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December 6, 2002

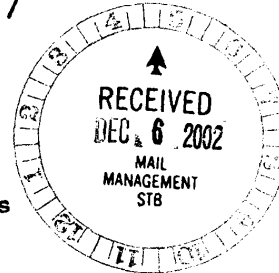
VIA HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, DC 20423-0001

ENTERED
Office of Proceedings

DEC 09 2002

Part of
Public Record



Re: Finance Docket No. 34040 – Riverview Trenton Railroad Company – Petition for Exemption from 49 U.S.C. 10901 to Acquire and Operate a Rail Line in Wayne County, MI

Dear Secretary Williams:

Petitioner Riverview Trenton Railroad Company ("RTRR") respectfully requests that the Board issue a final decision in this Petition for Exemption proceeding at its earliest convenience. The parties have reached an impasse regarding resolution and RTRR plans no further filings. RTRR does not intend to respond to the City of Trenton's October 31, 2002 or Wayne County's November 18, 2002 filings because those filings speak for themselves and RTRR has previously responded to the arguments raised by these Local Governments. In RTRR's view, the record in this proceeding is now complete and the proceeding is ripe for Board action, without which RTRR will remain unable to implement its rail transportation plans.

RTRR filed the pending Petition for Exemption, which included its affirmative case in support of that Petition, on May 1, 2001. In response to the Board's February 15, 2002 request for supplemental information on the Petition, RTRR filed extensive additional evidence on March 7, 2002. RTRR also submitted a reply on March 21, 2002 to the additional evidence requested by the Board of the Local Government opponents. The evidentiary portion of this proceeding has been completed since that time.

Further, despite the Board's well-intentioned efforts, reflected in its June 21, 2002, order holding this proceeding in abeyance so that the parties could discuss settlement, RTRR sees no prospect for a negotiated resolution. If anything, those settlement discussions confirmed RTRR's view that the County and the Cities would oppose RTRR's Petition by any means available, unconstrained by any requirement of good faith. Indeed, the core settlement proposal forwarded by Trenton and Wayne County proposed the relocation of RTRR to the DTE property. The fact that those parties criticized RTRR before the Board for not accepting their proposal,

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while simultaneously failing to disclose to the Board or RTRR that DTE had previously rendered the proposal a nullity, highlights that, unfortunately, there is no effective working relationship between the parties on this matter.¹ The settlement discussions, contrary to what RTRR believes the Board intended, became just another vehicle for the Local Governments to misrepresent RTRR's plans and intentions, impugn RTRR's integrity, and contort the process toward the end of using any means necessary to stop RTRR, regardless of the Petition's merits.

While the nature of the opposition to RTRR's Petition is decidedly inequitable, RTRR looks forward to an equitable resolution by the Board. In the interim, if there are any developments apropos of the Local Governments that RTRR believes would inform the Board's judgment, RTRR will promptly apprise the Board.

For these reasons, and in order that RTRR may commence its operations and begin serving the needs of the shipper community that it intends to target, RTRR urges the Board to act promptly, and affirmatively, on its May 1, 2001 Petition for Exemption. RTRR reiterates its preparedness to adhere to the conditions recommended by the Board's Section of Environmental Analysis and other conditions that it has described in its prior submissions to the Board.

Respectfully,



J. William Koegel, Jr.
Attorney for Riverview Trenton
Railroad Company

cc: All parties of record

¹ DTE Energy's October 30, 2002 letter, attached to Trenton's October 31 filing, unequivocally underscores that the proposal, pressed by Trenton and Wayne County, to relocate RTRR to the DTE site at no time involved more than "approximately 20 acres" and that "DTE Energy . . . indicated in later correspondence that such an arrangement would compromise future plans [for the] quarry"